

Memorandum

To: City Council
From: Keith Robinson
Date: March 12, 2015
Subject: Ordinance Modifications



The Animal Ordinances were just updated in 2014 however after implementation two sections were identified that do not adequately reflect one of the intentions of the update. That being the reduction in the length of shelter stays. The intent had been to grant officers and Neighborhood Services the ability to release animals charged as dangerous dogs or vicious animals back to their owner's pending court proceedings. Reducing the shelter costs to the owner, stress on the animal from extended shelter stays, liability and risk for shelter staff and the need for special court hearings pertaining to impoundment. Section 5.40.050 B 1 b and 2 b which were to allow this discretion were not properly worded or updated. The attached draft ordinance has been reviewed by the City Attorney and should allow officers and NSO the discretion intended during the ordinance rewrite discussions.

A second draft ordinance attached deals with two General Code Violations that are being recommended for repeal. The City Attorney has also reviewed the draft ordinance.

Section 5.10.210, Theft of Rental Property, was based on Colorado Revised Statute 18-4-402, which Section was repealed in 2013 (H.B 13-1160). Section 5.10.200 Theft, also applies to property which has been rented and not returned. The difference in the two statutes was the allowance of 72 additional hours before charges could be filed for theft of rental property. If repealed the time restriction would no longer apply and municipal ordinance would be in line with state statute.

Section 5.10.080 C., Disorderly Conduct, deals with allowing others on property under your control to disturb the peace and is classified as a petty offense. However, Section 5.10.090, Disturbing the Peace, covers similar circumstances and classifies it as a misdemeanor. If repealed this would clear up inconsistencies in charging and sentencing.